

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA, et al.,	:	CASE NO.: C-1-02-107
	:	
	:	
Plaintiffs,	:	JUDGE S. ARTHUR SPIEGEL
	:	MAGISTRATE HOGAN
v.	:	
	:	RESPONSE TO Walter
	:	MEINERT'S REQUESTS FOR
	:	REVIEW
BOARD OF HAMILTON COUNTY COMMISSIONERS, et al.	:	
	:	
	:	
Defendants.	:	

The City and County Defendants ("MSD") respond to Mr. Walter Meinert's Motion for Review (Doc #201) as follows:

1. Ms. Victoria Patman and Mario Harris submitted water in basement claim in October 2007.
2. The MSD investigated Meinert's claim through the City of Cincinnati claims department. The Claims Administrator is Shirley Lenzy.
3. Ms. Lenzy denied the water in the basement because it was determined the back-up was caused by roots, paper towels and prophylactics within the sewer. (Attached Complaint MSD Form Exhibit A and Exhibit B Plumber's Report from Roto-Rooter)
4. MSD is will repair or reconstruction of the part of a house lateral in the right of way that fails because of a broken or collapsed pipe pursuant to section 1207 of the Rules and Regulations of MSD.

5. Mr. Meinert owns the property serviced by the lateral and as such is responsible for the lateral's maintenance.

Accordingly, the MSD defendants request that the Court separately review the claimed damages, and that thereafter the Court affirm City's determination.

Respectfully submitted,

Patricia M. King (0061464)
Interim City Solicitor

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CERTIFICATE OF SERVICE

I hereby certify that on June , 2008 a true and accurate copy of the foregoing Response was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

Nicole L. Sanders
Nicole L. Sanders (0077186)
 Assistant City Solicitor

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Job Order:

Last Referral:

Last Referral Date: 10/25/2007

For:

Final Disposition

By: WITHERS, ERIC

Date: 10/25/2007

Responsibility Of: Private

EXHIBIT

A

ALSO CAPTIONED LINE FOUND REBAR AT 30'-35' ET

RESIDENTIAL GUARANTEE	COMMERCIAL GUARANTEE	PAYMENT	LABOR \$
LABOR	LABOR		975.00